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 <p>25129 Rye Canyon Rd. Valencia, CA 91355</p>	<p>FAX TRANSMITTAL</p> <p>To: US Patent & Trademark Office Examiner: Jason L. Savage Art Unit 1775 phone (571) 272-1542 Fax: (571) 273-8300</p> <p>From: Victoria A. Poissant phone (661) 362-1923 fax (661) 362-1507</p> <p>Date: December 06, 2005 Pages: Two (2), Including Cover Page Re: Terminal Disclaimer for S/N 10/609,457; Filed: June 27, 2003 Attorney Docket No.: AB-233U5</p>	<p>Certificate of Transmission</p> <p>I hereby certify this correspondence, including the papers listed, is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (703) 872-9306</p> <p>on this date: <u>December 06, 2005</u></p> <p>Typed Name: <u>Victoria A. Poissant</u></p> <p>Signature: <u><i>Victoria A. Poissant</i></u></p> <p>Date: <u>12/6/2005</u></p>
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MESSAGE:

On December 06, 2005, Examiner Jason L. Savage informed us that the previously filed Terminal Disclaimer was not accepted.

The attached Terminal Disclaimer, which has been signed by an attorney of record Bryant R. Gold Reg. No. 29,715, is intended to be part of the response to the Office Action which was mailed to the USPTO on October 31, 2005.

Regards,



Victoria A. Poissant
Reg. No. 56,871
Advanced Bionics Corporation
25129 Rye Canyon Road
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☒ Please Acknowledge Receipt of This Communication.

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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)
AB-233U5In re Application of: Jay DaultonApplication No.: 10/609,457Filed: June 27, 2003For: Self-Centering Braze Assembly

The owner*, Advanced Bionics Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/691,201 (US Patent Publication Number 2004/0088032), filed on 10/22/2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application." In the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 29,715


Signature

Bryant R. Gold

Typed or printed name

12/6/2005
Date

(760) 788-8138 or (661) 382-1771
Telephone Number

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